

ORDINANCE NO. 1470

An ordinance for the use of Utility-task vehicles in the City of Jamestown, North Dakota, which sets forth requirements for size, components, and operation in the City of Jamestown.

WHEREAS, the City of Jamestown has determined it is important to provide alternate modes of transportation in the City by providing regulations for the use of Utility-task vehicles;

WHEREAS, establishing regulations for the use of Utility-task vehicles will not be injurious or otherwise harm the public health, safety and welfare of the City;

NOW, THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota that Chapter 21, be amended by modifying sections 21-19-01(a)(1), (a)(2) and 21-19-05; and by enacting new sections 21-19-01(a)(6) and 21-19-02.2 as follows:

Sec. 21-19-01 – Definitions.

- (a) As used in this Chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *All-terrain vehicle.* Any motorized off-highway vehicle fifty (50) inches (1,270 millimeters) or less in width, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.
 - (2) *Operate.* To ride in or on and control the operation of an all-terrain vehicle, utility-task vehicle or snowmobile.
 - (3) *Private property.* Any and all real property and land within the city which has not been opened or dedicated for public use or as a public thoroughfare.
 - (4) *Reasonable direct route.* The most direct or shortest route to and from a destination, which is reasonable under the circumstances.
 - (5) *Snowmobile.* A self-propelled vehicle designed for travel on snow, ice or a natural terrain and steering by skis or runners.
 - (6) *Utility-task vehicle.* Any motorized off-highway vehicle as categorized in N.D.C.C. § 39-29-01 as a Class II vehicle that is not less than forty-eight (48) inches (1,219 millimeters) in width, but not greater than sixty-five (65) inches (1,651 millimeters) width; has a dry weight of not less than six-hundred and fifty 650 pounds (295 kilograms), but not greater than two-thousand (2,000) pounds (907.19 kilograms), or any Class III vehicle that is greater than sixty-five (65) inches (1,651 millimeters) width and weighs more than two-thousand (2,000) pounds (907.19 kilograms). Such vehicles must also have all of the following features:
 - (i) Designed with bench or bucket type seating for side by side seating of an operator and at least one passenger;
 - (ii) Travels on four (4) or more low-pressure tires;
 - (iii) Steering wheel; and
 - (iv) Must be capable of attaining a speed on a paved level service of 30 miles per hour.

This definition does not include golf carts, riding lawn mowers, mini-bikes, motorized wheel chairs, or any vehicle that meets the definition of an all-terrain vehicle.

- (b) All definitions in section 21-01-01 of this Code shall, where appropriate, be controlling on and applicable to this article.

Sec. 21-19-02.2 – Operation.

- (a) It shall be unlawful for any person to operate, or be in actual physical control of any all-terrain vehicle or utility-task vehicle upon the traveled portion of any public roadway within the corporate limits of the City except as specifically authorized and permitted under the terms of this ordinance.
- (b) A utility-task vehicle may be operated on the City’s roadways within the corporate limits of the City only if the operator and the vehicle comply with this section.
- (c) To operate a utility-task vehicle on the City’s roadways, the person must be sixteen (16) years of age or older and in possession of a valid Class D operator’s license or permit and abide by all laws relating to the license or permit.
- (d) For the utility-task vehicle to be allowed on the City’s roadways, the utility-task vehicle must be in accordance with and in addition to the provisions of North Dakota Century Code § 39-29-09, at least:
 - (1) All of the following items in working order: one headlamp, one tail lamp, horn, brakes, brake light, turn signals, speedometer, odometer, rear-facing mirror, and a manufacturer installed muffler or equivalent attached to the vehicle’s exhaust system, motor of at least four-hundred fifty (450) cubic centimeters; and
 - (2) Proof of valid insurance, which shall be maintained in the vehicle and furnished to any requesting police office;
 - (3) Seatbelt for the operator and for each passenger; and
 - (4) Current registration number securely affixed and displayed on the vehicle and in accordance with the rules set forth by the department of transportation for the State of North Dakota, so as to provide clear legibility for identification.
 - i. All registration and renewal applications must be made to the department of transportation for the State of North Dakota in accordance with section 39-29-03 of the North Dakota Century Code.
- (e) No provision of this ordinance shall be interpreted to permit the use of any Utility-task vehicle as provided in North Dakota Century Code 39-23-09 and in addition to the following ways, which are hereby declared to be unsafe, a public nuisance and prohibited:
 - (1) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property; or
 - (2) On a sidewalk or boulevard except on a permanent driveway, except for the purposes of snow removal; or
 - (3) On grounds owned or maintained by the City or the Jamestown Public School District; or
 - (4) Upon private property of another without express permission of the owner of such property; or
 - (5) Without a properly working headlamp, tail-lamp, rear-facing mirror, brake, brake light, turn signals, horn, speedometer, odometer and manufacturer installed muffler or equivalent attached to the vehicle’s exhaust system; or
 - (6) Operate without the operator or any passenger wearing a seatbelt; or
 - (7) Carry any passenger in any manner not recommended by the manufacturer; or
 - (8) Without proof of valid insurance; or
 - (9) While pulling a trailer, sled, or other vehicle without such trailer, sled, or other vehicle being attached by a hinged swivel and secure hitch and in compliance with all laws and regulations pertaining to such trailers, sleds, or other vehicles; or
 - (10) On either the James River or Pipestem River within the City of Jamestown; or
 - (11) Operate on or within the right of way of any controlled-access highway as outlined in North Dakota Century Code 39-29-09(1), except in an emergency; or

(12) Without a safety helmet meeting United States department of transportation standards, if the individual, passenger, operator, or person otherwise propelled by the Utility-task vehicle, is under the age of eighteen years.

Any person operating a Utility-task vehicle upon the streets of this city shall comply with, and be subject to all traffic regulations of the City and State of North Dakota including, but not limited to, those laws, ordinances, or regulations pertaining to the operation of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, narcotic drug, or any controlled substance.

Sec. 21-19-05. - Fines assessed for violations.

Section 1

Any person operating an all-terrain-vehicle or any other vehicle not falling into the definition of a snowmobile or utility-task vehicle who violates subsection (d), (e) or (f) of section 21-19-02 is guilty of a class B misdemeanor. Any person operating a snowmobile who violates subsection (d), (e) or (f) of section 21-19-02 shall be punished in accordance with N.D.C.C.39-24.1-07. Any person operating an all-terrain-vehicle or snowmobile who violates any other provision of section 21-19-02 must be assessed a fee of twenty-five dollars (\$25.00). Any person who violates any other provision of article 21-19 for which a specific penalty is not provided must be assessed a fee of ten dollars (\$10.00).

Any person operating a utility-task vehicle who violates any applicable law, ordinance, or regulation including, but not limited to vehicle registration, insurance, operator licenses, traffic violations, or regulations pertaining to the operation of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, narcotic drug, or any controlled substance, shall be punished as provided in the corresponding section of the municipal code related to that offense or if none is given, the corresponding state law related to that offense.

Section 2

Any other ordinance or section passed and approved prior to passage, approval and publication of this ordinance which is in conflict with these provisions is repealed.

ATTEST:

Jeff Fuchs
City Administrator

APPROVED:

Katie Andersen
Mayor

Introduced by Council Member Gumke
Seconded by Council Member Kourajian
First Reading: October 5, 2015
Second Reading: November 2, 2015
Final Passage: November 2, 2015
Roll Call No. 3 showed: 3 ayes, 2 nays, 0 absent.